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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,370	11/15/2001	Hamid S. Abroy	LEX-80	4701
7590 SQUARE D COMPANY 1415 South Roselle Road Palatine, IL 60067		07/16/2007	EXAMINER TRAN, HANH VAN	
			ART UNIT 3637	PAPER NUMBER
			MAIL DATE 07/16/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/003,370

Applicant(s)

ABROY, HAMID S.

Examiner

Hanh V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Upon further consideration, the Final Office action of 7/14/2003 is hereby withdrawn. The following is a Non-Final Office action. Any inconvenience is regretted.

Claim Objections

2. Claim 13 is objected to because of the following informalities: line 2, "said arc stack" should be "said arc stack housing". Appropriate correction is required.

3. Claims 2, and 7 are objected to because of the following informalities: (1) claim 2, since claim 1 recited the stop member being resilient, the recitation on line 1 of claim 2 that the stop member being "resilient" is redundant; (2) claim 7, since claim 6 recited the back stop member being resilient, the recitation on line 1 of claim 7 that the back stop member being "resilient" is redundant. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-5, and 9-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, the preamble clearly indicates that a subcombination is being claimed, i.e., "A housing for securing an arc plate,...said housing comprising..." This language would lead the examiner to believe that the applicant intends to claim only the subcombination of a "housing," the arc plate is only functionally recited. This presents no problem as long as the body of the claim also refers to the arc plate functionally, such as, "said stop member adapted to engage said

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first end of said arc plate". The problem arises when the arc plate is positively recited within the body of the claim, such as, "said stop member engaging said first end of said arc plate". In this case there is an inconsistency between the language in the preamble and certain portions in the body of the claim, thereby making the scope of the claim unclear. The examiner cannot be sure if applicant's intent is to claim merely the housing or the housing in combination with the arc plate. Applicant is required to clarify what the claim is intended to be drawn to, i.e., either the housing alone or the housing in combination with the arc plate, and the language of the claim be amended to be consistent with the intent. For the purpose of this examination, the examiner is considering that the claim is drawn to the combination of a housing and an arc plate.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Maier et al.

Maier et al. disclose an apparatus for quenching an arc (22) (Fig. 2), the apparatus having an arc stack housing (46, 48, 50); an arc plate (44) (Fig. 3); and a means (49, 51) for securing the arc plate in the arc housing; the means preventing the arc plate from vibrating in the arc stack housing by providing a tight clamping of the arc plate resulting in a rugged, unitary apparatus (Maier et al.: col. 2, lines 9-16).

Claim Rejections - 35 USC § 103

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida et al in view of Madock.

Uchida et al. disclose an integrally molded housing (14) (Figs. 1 and 2) comprising all the elements recited in the above listed claims including an arc plate (2), the arc plate including a first longitudinal edge (2a), an opposed second longitudinal edge (2a), a notched first end (16), and a second end (2b) opposed to the first end, the housing having a first support member (14a); a second support member (14a) secured in a spaced relation to the first support member; a first securing ledge (A1) protruding from the first support member and toward the second support member; the first securing ledge having a lower surface; a second securing ledge (B1) protruding from the first support member and toward the second support member and having an upper surface, the first securing ledge lower surface and the second securing ledge upper surface defining a first slot (S 1) adapted to receive the first longitudinal edge of the arc plate; a

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third securing ledge (A2) protruding from the second support member and toward the first support member; the third securing ledge having a lower surface; a fourth securing ledge (B2) protruding from the second support member and toward the first support member and having an upper surface, the third securing ledge lower surface and the fourth securing ledge upper surface defining a second slot (S2) adapted to receive the second longitudinal edge of the arc plate. Uchida et al. disclose the claimed invention except for a resilient and deformable stop member engaging the first end of the arc plate; and a resilient locking member engaging the second end of the arc plates; the housing being an integrally molded housing, the resilient locking member having a first end fixedly attached to the first securing ledge and having a second end connected to the tab, the tab having an inside face for securing the arc plate in the housing; and wherein the first support member, the second support member, the first securing ledge, the second securing ledge, the stop member, and the locking member form an integral molded assembly.

Madock teaches a housing (Figs. 1-7) capable of securing an arc plate having integrally molded supports (12) having resilient stop members (104); locking members (106) including a resilient member (108) and a tab (114), the resilient member having a first end fixedly attached to a first securing ledge (82-90) and having a second end connected to the tab, the tab having an inside face (116) for securing an arc plate in the housing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the integrally molded supports with all of the elements taught by Madock, modifying the integrally molded housing, the stop

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members, the locking members and securing ledges, disclosed by Uchida et al., thus forming an integrally molded assembly consisting of support members, securing ledges, stop members and locking members, thereby substantially reducing the cost of manufacturing of the housing (Madock: col. 4, lines 31-34), as well allowing for the partial ejection of the arc plate from the housing so that it may be easily grasped by a user (Madock: col. 1, lines 39-42). In further regards to claim 4, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the apparatus and all of the elements disclosed by Uchida et al. and Madock, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



HVT

July 09, 2007

Hanh V. Tran

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